

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:19-cv-00590-FDW-DSC

LEGRETТА F. CHEEK

Plaintiff,

vs.

GURSTEL LAW FIRM, P.C.,
SHANNON N. CRANE,
WHITNEY M. JACOBSON
JESSE VASSALLO LOPEZ

Defendants.

FILED
CHARLOTTE, NC

JUL 31 2020

US DISTRICT COURT
WESTERN DISTRICT OF NC

PLAINTIFF'S MOTION TO TRANSFER

COME NOW Plaintiff Legretta F. Cheek ("Cheek") move this Court for relief in this Order to Transfer case number 3:19-cv-00590-FDW-DSC to United State District Court, District of Phoenix Arizona ("USDCAZ") for proper venue of Defendants GURSTEL LAW FIRM, P.C., SHANNON N. CRANE, WHITNEY M. JACOBSON, and JESSE VASSALLO LOPEZ, in accordance to 28 U.S.C. § 1404(a).

WHEREFORE, for the foregoing reasons and the reasons set forth in Ms. Cheek's Motion to Reopen filed contemporaneously herewith, which is incorporated herein by reference, Ms. Cheek respectfully pray that the Court grant the relief sought for Motion to Transfer and for such relief this Court deems just and proper.

Respectfully submitted this 31th day of July, 2020.



Legretta F. Cheek
113 Indian Trail Rd N, Suite 100
Indian Trail, North Carolina 28079
lcheek9176@aol.com
Plaintiff *pro se*

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIAL ACTION NO. 3:19-cv-00590-FDW-DSC

LEGRETTA F. CHEEK

Plaintiff,

vs.

GURSTEL LAW FIRM, P.C.,
SHANNON N. CRANE,
WHITNEY M. JACOBSON
JESSE VASSALLO LOPEZ

Defendants.

PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF MOTION TO TRANSFER

COME NOW Plaintiff Legretta F. Cheek ("Cheek") move this Court for relief in this Order to Transfer case number 3:19-cv-00590-FDW-DSC to United State District Court, District of Phoenix Arizona ("USDCAZ") for proper venue of Defendants GURSTEL LAW FIRM, P.C., SHANNON N. CRANE, WHITNEY M. JACOBSON, and JESSE VASSALLO LOPEZ, in accordance to 28 U.S.C. § 1404(a).

In the United States District Court, District of Phoenix Arizona located at 401 W. Washington Street, Suite 130, SPC 1 Phoenix, AZ 85003-2118, Ms. Cheek seeks to transfer to this court since the Order has already acknowledged that 15 U.S.C. § 1692k(d)¹ subject matter jurisdiction would be proper as well as personal jurisdiction over the Defendants in accordance to 28 U.S.C. § 1331². [Doc. 31 p. 5]. On December 6, 2018, Gurstel Law Firm filed a lawsuit in the Superior Court of Arizona, County of Maricopa, titled Bank of America, N.A., Plaintiff, v.

¹ 15 U.S.C. § 1692k(d) states, "An action to enforce any liability created by this subchapter may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within one year from the date on which the violation occurs." 15 U.S.C. § 1692k(d)

² 28 U.S.C. § 1331 states, "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. § 1331.

Legretta F. Cheek, Defendant for collections of an alleged debt. [Doc. 15]. Currently, this case is still under Appeal in Arizona.

The United States Code defines 28 U.S.C. § 1404(a): For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil matter to any other district or division where it might have been brought.

The purpose of 28 U.S.C. § 1404(a) is to “prevent the waste of time, energy, and money and to protect litigants, witnesses and the public against unnecessary inconvenience and expense.” *Van Dusen v. Barrack*, 376 U.S. 612, 616 (1964) (internal citations and quotation omitted).

Ms. Cheek recognizes her error in filing in North Carolina District Court and making a request for this case to be transfer to USDCAZ. It was an inadvertent error since there was a lack of access to research facility due to COVID-19. Ms. Cheek was unable to go to the law library to get access to LexisNexis, West Law or any of those systems. Ms. Cheek’s inadvertent error should be excusable. In addition, the Order entitled Ms. Cheek to freely re-file her complaint within thirty (30) days of the Order. The Motion to Reopen and Motion to Transfer are filed timely. Additionally, the action the Defendants brought against Ms. Cheek in Arizona justifies the venue is proper to transfer said case to USDCAZ.

WHEREFORE, for the foregoing reasons and the reasons set forth in Ms. Cheek’s Motion to Reopen filed contemporaneously herewith, which is incorporated herein by reference, Ms. Cheek respectfully pray that the Court grant the relief sought for Motion to Transfer.

Respectfully submitted this 31th day of July, 2020.



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113 Indian Trail Rd N, Suite 100
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Plaintiff *pro se*

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Defendants.

CERTIFICATE OF SERVICE

I hereby certify **PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF MOTION TO TRANSFER** was **hand delivered on July 31, 2020**, to the United States District Court, Western District Court of North Carolina, 401 West Trade Street, Room 216, Charlotte, NC 28202. The Attorneys of records are served through the Clerk of Court electronic CM/ECF system, which will send an email notification of such filing to the following attorney of record:

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Dated: July 31, 2020.

Respectfully Submitted,



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